AMERICAN AND CROOKED RIVER PROJECT
RECORD OF DECISION

INTRODUCTION

This Record of Decision documents the decision to implement an alternative of the American and Crooked River Project Final Environmental Impact Statement (EIS). The project is on the Red River Ranger District of the Nez Perce National Forest. This document describes the different alternatives considered and the rationale used in selecting an alternative.

The project area is located in two separate watersheds within the Nez Perce National Forest in Idaho County, near Elk City. The American River watershed is located northeast of Elk City, and the Crooked River watershed is located southwest of Elk City. The project area encompasses approximately 39,000 acres.

PURPOSE AND NEED FOR ACTION

The purpose and need for the project was determined after comparing the existing condition of the project area with the desired future condition and management goals and direction described in the Nez Perce National Forest Plan. The project area's existing condition was determined using field data and the findings from the South Fork Clearwater River Landscape Assessment (SFLA) and other relevant agency and scientific publications.

In portions of the project area, the forest vegetation is dominated by lodgepole pine that became established following wildfires that occurred in the late 1800s and early 1900s. Extensive stands of lodgepole pine are now mature (80 to 130 years old) and susceptible to bark beetle attack. Mountain pine beetle infestations in the project area have increased substantially since 1998 and are killing increasing numbers of trees. As these trees die and accumulate as dry fuel over the next 10 to 20 years, there is the potential to carry a severe wildfire over a wide area. Due to limited fire occurrence over the past 50 years, shade-tolerant trees (such as grand fir, Douglas-fir, and subalpine fir) have become established under many of the forest stands, creating a situation known as a "fuel ladder." Given favorable weather and fuel moisture conditions, a ground fire could move into the crowns in many of these areas and result in large, intense wildfires.

The proximity of this forest fuel buildup to Elk City as well as private inholdings, residences, and government facilities within the two watersheds heightens concerns for public safety and potential property damage from wildfire. Additionally, the large number of roads in the project area would tend to exacerbate the increase in run-off and associated sedimentation from burned areas during post-fire precipitation events.

The purpose of the project is to reduce existing and potential forest fuels, create conditions that will help sustain long-lived fire tolerant tree species (ponderosa pine, western larch), and contribute to the economic and social well being of people who use, and reside within, the local area.

The objectives of the project are to:

- Promote the health and vigor of timber stands and improve the environment for long-lived, fire resistant species by reducing densities of lodgepole pine or other small diameter trees that provide fuel ladders for development of crown fires,
- Increase relative proportions of long-lived, fire resistant tree species by restoring or regenerating to western larch, ponderosa pine, and by protecting large diameter ponderosa pine, Douglas fir, and western larch,
- Reduce the risk of large-scale crown fire spread by creating vegetative patterns through harvest or silvicultural treatments, that would increase fire suppression and management effectiveness, and
- Reduce the likelihood of severe local fire effects by removing dead, dying, and downed trees that would otherwise result in high fuel loading.

Based on feedback from the public in response to the DEIS, clarification of the economic and social well-being portion of the Purpose and Need Statement was provided in the FEIS. Evaluation of alternatives considered a combination of factors that define economic and social well-being including:

- Protection of property and infrastructure from potential wildfire effects.
- Economic opportunities.
- Public use and enjoyment of the area associated primarily with:
    - Recreation opportunities.
    - Fish and wildlife habitat.
    - Water Quality.

DECISION TO BE MADE

Within the regulatory framework consisting of all applicable laws, regulations, and policies, this decision will include:

- The location, design, amount, and scheduling of hazardous fuel treatments, timber harvest, activity fuels treatment (slash), temporary road construction, road reconstruction, and silvicultural practices;
- The estimated timber volume, if any, to make available from the project area at this time;
- Access management measures necessary to meet Forest Plan standards and project objectives;
- The amount, location, and type of water quality/fish habitat restoration that needs to occur in conjunction with other management actions;
- Appropriate design criteria, mitigation, and monitoring; and
- Scheduling of activities, if necessary, to meet the purpose and need of the action.
- Review and adopt Visual Quality Objectives.

CHANGES BETWEEN THE DRAFT AND FINAL EIS

Alternative D of the FEIS includes all of the hazardous fuel/vegetative treatment units in Alternative D of the DEIS with the following exceptions.

- Units 99, 99.2, 105, and 329 (about 62 acres) were identified as meeting Forest Plan criteria for old growth. I decided to drop these units from consideration for harvest in the FEIS.
- Units 541, 542, and 543 (about 105 acres of thinning and partial canopy removal) were added between road 1810 and the top of Flatiron Ridge in order to facilitate improved wildfire containment and suppression effectiveness in this strategically important area (FEIS Section 3.4).

There were several minor changes to the Design and Mitigation Measures (FEIS Table 2.3) to add clarity or avoid duplication. Design and Mitigation Measures listed apply to all alternatives analyzed in detail in both the DEIS and FEIS.

I removed reference to creating "fuel breaks" and "safety areas" from the objectives of the project because, although the project creates diverse vegetative patterns through harvest that reduces the continuity of hazardous fuels in strategic areas, it does not propose to manage these areas as long-term fuel breaks. Harvest activities will temporarily provide areas that provide increased safety for fire fighters conducting suppression activities. However, safety zones specifically delineated for public use would more appropriately be addressed through localized defensible space projects or in the Idaho County Hazard Mitigation planning process.

Based on public input, I substantially increased the amount of watershed restoration in the FEIS over and above that which was analyzed and determined in the DEIS as sufficient to achieve an upward trend in water quality and fish habitat. The additional approved list of watershed improvements is shown in Table R-2 of this Record of Decision and would have a maximum equivalent to Alternative E in the FEIS.

An error in the miles of instream improvement was displayed in the DEIS. Part of the reason for this error was that some stream reaches were considered for instream improvement at two levels of intensity, with a higher level of improvement in the "additional restoration" category. The number of miles was double counted for those reaches that included both levels of treatment. These numbers have been corrected in the FEIS for all action alternatives. The actual watershed treatment that was originally proposed has not changed only the way the number of miles was tabulated.

These changes have been analyzed in detail in the FEIS.

THE DECISION AND CHANGES FROM THE FEIS

I have decided to implement Alternative D, of the American and Crooked River Project Final Environmental Impact Statement, with the modifications that are identified below. Maps AR-1 and CR-1, in this Record of Decision, display the Selected Alternative. In making this decision, I considered information in the FEIS and supporting project file; information presented in meetings and informal sessions I attended; all public comments; and the results of coordination and consultation with the Nez Perce Tribe, NOAA Fisheries, U. S. Fish and Wildlife Service,

U.S. Environmental Protection Agency, Idaho Department of Fish and Game, Idaho Department of Environmental Quality, Idaho State Historic Preservation Office, and the Idaho County Commission. The description of the Selected Alternative is followed by the rationale for the decision.

I am including the following modifications to the FEIS Alternative D as part of the Selected Alternative. The effects of these modifications are minor in the overall context of the project, and are within the range of effects considered in the FEIS.

- No harvest will occur in Units 333, 336, 337, and 338, totaling 73 acres, because recent survey information indicates the presence of old growth conditions within substantial portions of these units. This change is consistent with the overall project constraint to avoid activities in areas meeting old growth criteria.

- Temporary roads planned for construction in association with Units 11.1, 15, 21, 22, and 33, totaling approximately 1.3 miles, will not be constructed. Portions of these units may still be harvested from existing roads, with short spurs to landings, less than 300 feet, where necessary. This will result in a reduction of approximately 40 acres to be harvested. These changes affect the Silver Creek sub-watershed, an important tributary to Crooked River. I am making these changes because Silver Creek has a relatively high density of proposed activity compared to other sub-watersheds in the project area. In addition, the ratio of roads constructed to acres harvested indicates inefficiencies that can be easily corrected by this change. This change is consistent with our efforts to minimize risks to fish habitat and produce a well-balanced project.

- The temporary road planned for construction in association with Units 504, 508, 509, 510, 510.9, 511, 512, and 513, totaling approximately 1mile, will not be constructed. Some of these units are located in a currently unroaded portion of the East Fork of American River. The terrain is relatively flat. A field review of these units concluded that most of the area in the associated units could be harvested using methods that would not require a road to be built, such as log forwarding.

- Cultural sites identified in the project area will be buffered to protect them during implementation of this project. This is estimated to be only a few acres, which will be determined during contract layout.

TRANSPORTATION

The transportation system proposed in Alternative D was adopted, with the minor modifications noted above, for the selected alternative. To facilitate timber harvest activities, an estimated 12.0 miles of temporary roads will be constructed. Each of these temporary roads will exist on the landscape for one to three years and will be decommissioned following timber harvest activities. Changes to public access to the area are minor and summarized in Tables R-3, R-4, and R-6 of this document. Although there is a considerable amount of road decommissioning associated with this project (up to 37 miles), most of these roads are currently administratively closed to use, impassible with motorized equipment, or are receiving little if any recreational use at this time (FEIS, Section 3.8).

In addition to temporary roads, the selected alternative will require a combination of annual and deferred maintenance to prepare existing classified roads for timber haul. Maintenance will be required on about 90.5 miles of road. Of this roadwork, 84.0 miles will be maintained as part of the long-term transportation system for the analysis area. Table R-1 and Maps AR-1 and CR-1 display the road maintenance and temporary road construction needed to facilitate timber removal.

VEGETATION TREATMENTS

Up to 3,340 acres of hazardous fuel reduction will occur, using timber harvest. Appendix H of the FEIS describes all of the treatment types by unit for each action alternative.

Of the planned harvest acres, about 34 percent will be clearcut, and the remaining acres will be partially cut or thinned. Harvest methods include ground-based tractor (52 percent of the project acres) and cable systems (34 percent); the remaining acres (14 percent) are anticipated to be roadside salvage. This harvest is estimated to produce 25 million board feet (MMBF) of timber.

Table R-1. Vegetation Treatment Activities with the Selected Alternative

Proposed Activity – Total Project		
Acres of Treatment	Tractor Yard/Machine Pile	1,759
	Cable Yard/Broadcast Burn	1,114
	Roadside Salvage	466
	Total Acres Treated	**3,339**
	Percent Clearcut	34%
	Percent Partial Cut/Thin	66%
	Wildland Urban Interface	1,113
Temporary Road Construction (miles)[1]		12.0
Road Reconditioning for Timber Harvest (miles)[2]		90.5

[1] Temporary roads will be decommissioned within one to three years of construction.

[2] This category includes a range of activities, such as surface blading, drainage repair, and roadway brushing with occasional culvert installations, slump repairs, and stabilization work. The roadwork in this category is primarily for the purpose of timber removal.

WATERSHED IMPROVEMENTS

The watershed improvements identified in FEIS Alternative D, are adopted for the Selected Alternative. These actions are discussed below and summarized in Table R-2. Additional details are given in Appendix D of the FEIS. The items listed under "Required" must be completed under this action concurrent with fuel reduction and timber harvest aspects of the action. The items shown as "Additional" may be completed as funding allows.

Table R-2. Watershed Improvements with the Selected Alternative

Proposed Activity – Total Project	Required	Additional	Total
Miles (acres) of Decommissioned Roads[1]	18.9 (76)	18.1 (61)	37.0 (148)
Miles of Watershed Road Improvements	16.6	8.0	24.6
Number of Sites of Watershed Road Improvements	3	0	3
Number of Stream Crossing Improvements[2]	13	21	34
Miles of Instream Improvements	11.1	3.5	14.6
Miles of Recreation and Trail Improvements	2.3	2.3	4.6
Acres of Recreation and Trail Improvements	8.1	0	8.1
Acres of Mine Site Reclamation	7	2	9
Acres of Soil Restoration in addition to road decommissioning	32	26	58
Miles of Access change for vehicle use[3]	2.6	0	2.6
Miles of Access change from road to trail[4]	1.6	0	1.6

[1] Road decommissioning for this project covers a range of activities, from recontouring to abandonment due to overgrown conditions. It includes 6.5 miles of roads to be used for timber harvest and decommissioned upon completion of harvest activities. See Appendix D of the FEIS.

[2] Stream crossing improvements include upgrading or improving culverts and bridges to improve fish passage and peak water flows and are listed as the number of sites.

[3] This is an access change, which restricts to two wheeled vehicles or snowmobiles over snow, and excludes use by all terrain vehicles (ATV).

[4] The miles of roads being converted to ATV trail.

VISUAL QUALITY OBJECTIVES

The Visual Quality Objectives identified as recommended in the Forest Plan were reviewed and adopted for this project. No changes to the Forest Plan VQO recommendations were made.

SUMMARY OF THE DECISION BY WATERSHED

Table R-3 (American River Watershed) and Table R-4 (Crooked River Watershed) display the activities for the Selected Alternative. The tables display Miles of Road Reconditioning and Miles of Watershed Road Improvement. Road reconditioning miles include activities designed to make the road usable for logging traffic. Activities include grading, adding relief culverts, cleaning ditches, removing brush etc. Activities will mostly occur on roads that are already stable. Miles of Watershed Road Improvement include some similar activities but also revegetation, stabilization, and surfacing that will reduce erosion and improve drainage.

Table R-3. Activities in the American River Watershed, Selected Alternative

Activities - American River		Required	Additional
Acres of Treatment	Tractor Yard/Machine Pile	841	
	Cable Yard/Broadcast Burn	239	
	Roadside Salvage	137	
	Total Acres Treated	**1,217**	
	Percent Clearcut	29%	
	Percent Partial Cut/Thin	71%	
	Wildland Urban Interface	464	
Temporary Road Construction (miles)[1]		7.1	
Road Reconditioning (miles)[2]		33.9	
Watershed Restoration			
Miles (acres) of Decommissioned Roads[3]		8.4 (34)	11.1 (44)
Miles of Watershed Road Improvement[4]		7.4	0
Number of Sites Watershed Road Improvement		0	0
Stream Crossing Improvements[5]		3.0	6.0
Miles of Instream Improvements		0	0
Miles of Recreation and Trail Improvements		1.6	0.8
Acres of Recreation and Trail Improvements		0	0
Acres of Mine Site Reclamation		0	0
Acres of Soil Restoration in addition to road decommissioning above		9.0	12.0
Miles of Access change for vehicle use[6]		1.6	0
Miles of Access change from road to trail[7]		0	0

[1] Temporary roads will be decommissioned within one to three years of construction.
[2] This category includes a range of activities, such as surface blading, drainage repair, and roadway brushing with occasional culvert installations, slump repairs, and stabilization work. The roadwork in this category is primarily for the purpose of timber removal.
[3] Road decommissioning for this project covers a range of activities, from recontouring to abandonment due to grown in conditions. See Appendix D of the FEIS.
[4] Some of the roadwork in this category is also included in the Miles of Road Reconditioning category in this table. Although this roadwork is primarily for the purpose of timber removal, it will also result in an improvement in watershed health.
[5] Stream crossing improvements include upgrading or improving culverts and bridges to improve fish passage and peak water flows and are listed as the number of sites.
[6] This is an access change, which restricts to two wheeled vehicles or snowmobiles over snow, and excludes use by all terrain vehicles (ATV).
[7] The miles of roads being converted to ATV trail.

Table R-4. Activities in the Crooked River Watershed, Selected Alternative

Activities - Crooked River River		Required	Additional
Acres of Treatment	Tractor Yard/Machine Pile	918	
	Cable Yard/Broadcast Burn	875	
	Roadside Salvage	329	
	Total Acres Treated	**2.122**	
	Percent Clearcut	37%	
	Percent Partial Cut/Thin	63%	
	Wildland Urban Interface	649	
Temporary Road Construction (miles)[1]		4.9	
Road Reconditioning (miles)[2]		56.6	
Watershed Restoration			
Miles (acres) of Decommissioned Roads[3]		10.5 (42)	7.0 (17)
Miles of Watershed Road Improvement[4]		9.2	8.0
Number of sites of Watershed Road Improvement		3	0
Stream Crossing Improvements[5]		10	16
Miles of Instream Improvements		11.1	3.5
Miles Recreation and Trail Improvements		0.7	1.5
Acres of Recreation and Trail Improvements		8.1	0
Acres of Mine Site Reclamation		7.0	2.0
Acres of Soil Restoration in addition to road decommissioning above		23.0	14.0
Miles of Access change for vehicle use[6]		1.0	0
Miles of Access change from road to trail[7]		1.6	0

[1] Temporary roads would be decommissioned within one to three years of construction.

[2] This category includes a range of activities, such as surface blading, drainage repair, and roadway brushing with occasional culvert installations, slump repairs, and stabilization work. The roadwork in this category is primarily for the purpose of timber removal.

[3] Road decommissioning for this project covers a range of activities, from recontouring to abandonment due to grown in conditions. See Appendix D of the FEIS.

[4] Some of the roadwork in this category is also included in the Miles of Road Reconditioning category in this table. Although this roadwork is primarily for the purpose of timber removal, it will also result in an improvement in watershed health.

[5] Stream crossing improvements include upgrading or improving culverts and bridges to improve fish passage and peak water flows and are listed as the number of sites.

[6] This is an access change, which restricts to two wheeled vehicles or snowmobiles over snow, and excludes use by all terrain vehicles (ATV).

[7] The miles of roads being converted to ATV trail.

IMPLEMENTATION SCHEDULE

As documented in the planning record and subject to all applicable funding constraints, I intend to implement all activities covered by this Record of Decision within a ten-year period. I will use multiple funding sources and various contracting methods, including stewardship contracts

where deemed appropriate, to accomplish the activities included in this decision. All activities, including vegetation treatments, road construction, road maintenance and reconditioning, and watershed improvements will be scheduled for implementation beginning with those occurring in the Crooked River watershed. Activities may begin the following year in the American River watershed. Over the life of the project, activities will occur simultaneously in both watersheds for periods of time.

In order to avoid loss of economic value due to mountain pine beetle-induced mortality in the lodgepole pine stands, as described in the FEIS, Section 3.12, it is important that implementation of vegetation management activities begin as soon as possible.

I intend to implement the harvest and restoration activities in a manner that allows for a balance implementation of these activities "Required" watershed and fish habitat restoration activities will be implemented concurrently with the vegetation management related aspects of the action. "Additional" watershed and fish habitat restoration activities may be implemented as funding allows. If stewardship contracting is utilized to conduct these actions, the restoration activities will be a portion of the contract. By necessity, the vegetative treatment would begin prior to the restoration activities due to the contracting provision under the stewardship authority. I will actively manage this situation to begin restoration activities as soon as possible under this approach.

The various types of restoration work (FEIS, Appendix D) will be implemented in the following manner.

- Road related activities and riparian plantings that can be completed separate from timber sale actions may be implemented at any time during the life of the project.
- Road related activities that are linked with the timber sale activities must be scheduled with the timber sale actions and coordinated in a way that will not impede either.
- Instream restoration projects will require additional designs and permits. Implementation of the in-channel work will commence when required design work and permitting are completed (1-3 years).

DESIGN CRITERIA, MITIGATION, AND MONITORING

The design criteria in the FEIS were developed to avoid or reduce potential adverse effects the various activities may cause with respect to the resources in the area of the project and to assist in accomplishing the overall goals of the project including achieving consistency with Forest Plan standards. These measures are the site-specific best management practices to be incorporated into design and layout of on-the-ground activities, contract provisions, and project administration. Design criteria and mitigation measures are displayed in Appendix A of this decision.

The design criteria are augmented by terms and conditions specified in the Incidental Take Statements of the Biological Opinions received from NOAA Fisheries and USFWS for this project (Appendix B of this Record of Decision). These agencies reviewed the project and its effects on threatened and endangered species, in accordance with Section 7 of the Endangered Species Act (ESA). While the agencies determined that the project would not jeopardize listed species, they issued an Incidental Take Statement to address the possibility of accidental take of ESA-listed species which might occur as a result of project activities. NOAA-Fisheries also

evaluated the effects of the project on Essential Fish Habitat (EFH), in accordance with the Magnuson-Stevens Fishery Conservation and Management Act.

I will implement design criteria as specified above and the following monitoring. The monitoring plan is included in the FEIS as Appendix I. Where additional monitoring is determined to be necessary for specific activities, a detailed monitoring plan will be developed prior to implementation of those activities. This monitoring plan will specify the monitoring items, objectives, location, protocols, and reporting for each item. The Forest is currently engaged with the IDEQ, EPA, Nez Perce Tribe, and the South Fork Clearwater Watershed Advisory Group to develop an implementation and monitoring plan for South Fork Clearwater TMDL. This will be completed by the end of 2005, and provisions developed that may pertain to this project will be implemented as appropriate. To track implementation accomplishments and monitoring accomplishments and findings I will require the preparation of an annual monitoring report. This report will summarize activities and monitoring implemented in the previous year. This report will also detail the plan of operations for the current year and will be completed by June 1, each year of implementation.

The Biological Opinions from NOAA Fisheries and the USFWS describe additional levels of monitoring and reporting required to assess compliance with terms and conditions, report any incidental take of steelhead or bull trout, and ensure habitat objectives are being met. I will implement this additional monitoring along with the monitoring specified in Appendix I.

RATIONALE FOR THE DECISION

Prior to developing and publicly scoping the initial proposed action, managers determined the necessity to narrow the scope of the analysis in order to respond quickly to the rapidly expanding mountain pine beetle epidemic in the lodgepole pine stands within the American and Crooked River watersheds. At the same time, the importance and sensitivity of the two watersheds and the South Fork Clearwater River with respect to wildlife and fish habitat was recognized. After completing and considering the initial field assessment phase of the project and prior to proposing the project to the public, it was determined that hazardous fuel and vegetation conditions could be addressed in a manner that would limit risks to other resources. The following architecture was developed for the proposed action and carried through to the development of alternatives in order to minimize risks to the important resources of the area and to focus the analysis:

- The project area would exclude Inventoried Roadless Areas.
- The project would not treat fuels, harvest timber, or construct roads in areas meeting old growth criteria.
- There would be no new permanent roads constructed.
- Management activities (vegetation treatment and road construction) in riparian areas (PACFISH RHCA's) would be minimized.
- Activities (vegetation treatment and road construction) in high hazard landslide prone areas would be avoided.
- The project would address State of Idaho TMDL limiting factors.

- The project would implement watershed restoration activities designed to meet the Forest Plan requirements to establish an upward trend in water quality and fish habitat conditions in watersheds that are below current objectives.
- The project would implement activities consistent with existing Forest Plan standards.

This framework, as well as the design criteria found in Appendix A of this decision, is common to all action alternatives. As a result of these factors, none of the action alternatives would pose resource risks not anticipated or allowed in the Forest Plan.

All alternatives provide for an upward trend in aquatic conditions. Differences between alternatives relate to the amount and rate of improvement over the long-term. All alternatives have short-term negative effects, none of which are expected to measurably impair existing water quality or fish habitat conditions.

Additionally, the range of action alternatives would result in negligibly adverse to slightly positive effects in big game habitat (elk and moose) and maintain recreational uses at or near current levels over the long term with minor short-term disruptions due to operations over the life of the project.

Considering the framework within which this project was developed, there are five key factors that best represent the purpose and need of this project and reflect the main issues developed through public scoping. My decision is based on a comparison of these factors:

- Total Acres of Vegetation Treatment to Reduce Hazardous Fuels – The purpose and need, project objectives, and issues related to wildfire severity and resource protection would be best served by the alternative would treat the most acres feasible within all other project constraints. Specifically:
  - Reduce densities of lodgepole pine or other small diameter trees that provide fuel ladders for development of crown fires,
  - Increase relative proportions of long-lived, fire-resistant tree species by restoring or regenerating western larch, ponderosa pine, and protecting large diameter ponderosa pine, Douglas fir, and western larch.
  - Reduce likelihood of severe local fire effects by removing dead, dying, and downed trees that would otherwise result in high fuel loading.
- Total Acres of Hazardous Fuel Reduction within the Wildland Urban Interface/Intermix Zones (WUIs) – The purpose and need, project objectives, and issues related to potential wildfire effects to private property and community infrastructure would be best served by the alternative that would provide the most acres of treatment within community protection zones or WUIs. Specifically:
  - Reduce the risk of large-scale crown fire spread by creating vegetative patterns through harvest or silvicultural treatments that would increase fire suppression and management effectiveness.
- Potential Net Revenue – The purpose and need would be best served by the alternative that would produce the most potential net revenue that could be applied to restoration activities through Knutson-Vanderberg Act (KV) authorities or stewardship contracting authorities.
- Employment Opportunities – The purpose and need of the project would be best served by the alternative that would provide the most employment opportunities.

- Watershed Restoration – Issues related to maintaining beneficial uses and improving water quality and fish habitat would be best addressed by the alternative that would provide the most watershed restoration.

Table R-5 compares the Selected Alternative to the other action alternatives with respect to the five key decision factors. The Selected Alternative is the strongest alternative in four of the five key decision factors. The fifth factor, watershed restoration, ranks Alternative E equally with the Selected Alternative. However, the net revenues generated from Alternative E are insufficient to cover the costs of the specified restoration. This makes the funding of the specified restoration in Alternative E more uncertain than that shown for the other alternatives, including the Selected Alternative.

I have thoroughly reviewed the existing conditions as described in the FEIS (Chapter 3), I have reviewed the purpose and need for action as described in the FEIS (Chapter 1.3), and I have considered the significant issues associated with the action (FEIS Chapter 1.6 and pp. 15-16 of this decision document). I have also reviewed the consistency of this action with Nez Perce Forest Plan goals (discussed in this decision document in the section Consistency with Forest Plan Goals, Objectives, and Standards, below) and management direction from Chapter II of the Forest Plan.

The selected alternative best meets the purpose and need and responds to the significant issues identified during scoping, while conforming to applicable laws and regulations, complying with the Forest Plan Standards (discussed at the end of each resource section in Chapter 3, under Adherence to Forest Plan Standards), and complimenting the goals and objectives of the Forest Plan.

The analyses conducted as part of the FEIS are based on the thorough application of the best scientific information currently available to the project Interdisciplinary Team. The information considered consists of scientific literature, agency and research findings, models and other information that apply to local conditions within the project area or similar conditions in other nearby areas that are relevant and can be extrapolated to the area affected by the project. Use of the best science in the evaluation of this project includes consideration of opposing viewpoints and disclosure of model and data limitations. Further, the Forest's consideration and use of science has been coordinated with and reviewed by other technical experts. Comments received by reviewers have been considered in the FEIS.

My decision to select Alternative D from the FEIS, with the specified modifications, is based on the above considerations as well as comments received from public, other governmental agencies, and consultation with the Nez Perce Tribe. These comments, and the Forest's responses, are summarized in Appendix M of the FEIS.

Table R-5. Key Decision Factors

Factor	Alternative B	Alternative C	Alternative D	Alternative E	Selected Alternative
Total acres treated (acres)	2,550	2,744	3,452	2,156	3,339
WUI acres treated (acres)	559	731	1,113	290	1,113
Potential Net Revenue (M $)	$1,911	$2,118	$2,924	$1,581	$2,924
Employment Opportunity (Jobs) [1]	163	188	250	152	250
Watershed Restoration (M $)[2]	$776	$948	$2,758	$2,541	$2,758

[1] Direct Employment Opportunities, year-long

[2] For a more detailed display see Table ROD-3 or Appendix D of the FEIS

CONSEQUENCES OF TAKING NO ACTION

The South Fork Clearwater Landscape Assessment provided the context for needed action in the American and Crooked River project area. Field reviews, surveys, and inventories, including current insect activity surveys, focused this context on current, site-specific conditions. Choosing no action would exacerbate the hazardous fuels buildup and risk of severe wildfire in the project area.

Not harvesting timber at this time would result in:

- Lost opportunity to remove dead, dying, and downed trees that contribute to high fuel loading.
- Lost opportunity to reduce small diameter trees that provide fuel ladders for development of crown fires.
- Lost opportunity to capture the commercial value of the trees that would be removed.
- Lost opportunity to increase the proportions of long-lived, fire-resistant tree species.
- Lost opportunity to reduce severe effects of potential wildfire on the acres proposed for treatment.
- Lost opportunity to increase the probability of successful fire suppression.
- Lost opportunity to reduce the amount of hazardous fuels within Wildland Urban Interface/Intermix (WUI) areas in the vicinity of Elk City.
- Lost opportunity to create up to 250 jobs.

Not implementing the proposed watershed improvements would result in:

- Lost opportunity to reduce the number of roads that are in excess to forest management needs.
- Lost opportunity to reduce the backlog of road maintenance needs that present a risk to aquatic habitats (such as culvert failure).
- Lost opportunity to reduce sedimentation and enhance stream/aquatic conditions.
- Lost opportunity to repair or remove fish barriers, resulting in continued loss of fish habitat connectivity.

- Lost opportunity to restore soil productivity on selected sites.
- Continued adverse effects on fish habitat and populations where certain species are already at risk.

ENVIRONMENTALLY PREFERABLE ALTERNATIVE

Title 40 CFR Section 1505.2(b) states that in preparing an EIS an agency shall: "*Identify all alternatives considered by the agency in reaching its decision, specifying the alternative or alternatives which were considered to be environmentally preferable. An agency may discuss preferences among alternatives based on relevant factors including economic and technical considerations and agency statutory missions."*

The environmentally preferable alternative(s) promotes the national environmental policy as expressed in NEPA's Section 101. Ordinarily, this means the alternative(s) that causes the least damage to the biological and physical environment. It also means the alternative(s) which best protects, preserves, and enhances historic, cultural, and natural resources.

The identification of the environmentally preferable alternative involves difficult judgments involving the balance of environmental values as expressed by numerous comments on the DEIS from the public, governmental agencies, and the Nez Perce Tribe.

Some comments would suggest that Alternative A, the No Action Alternative, should be the environmentally preferable alternative because Alternative A would create no new disturbances. Alternative A would be the environmentally preferable alternative under a set of values that views vegetative and watershed restoration treatment disturbances, as being negative, equating to damage to the biological and physical environment.

Some comments would suggest that Alternative E should be the environmentally preferable alternative because Alternative E combines the least amount of vegetative/hazardous fuel treatment with the maximum level of watershed restoration of any of the action alternatives. Alternative E would be the environmentally preferable alternative under a set of values that views vegetative treatment disturbances as being negative, and watershed disturbances for the purposes of improving long-term water quality and fish habitat as being positive.

Several comments would suggest that Alternative D should be the environmentally preferable alternative because Alternative D, the Selected Alternative, combines the maximum amount of vegetative/hazardous fuel treatment with the maximum level of watershed restoration of any of the action alternatives. Alternative D, the Selected Alternative, would be the environmentally preferable alternative under a set of values that views maximum vegetation treatment as preferable because it would treat the most acres and reduce the potential adverse effects of a large wildfire on those acres treated. Alternative D also would be environmentally preferable under a set of values that views a balance of vegetative and watershed restoration treatments as being positive, if the balance would achieve a reduction in hazardous fuels and improve long-term trends in water quality and fish habitat.

In this case, I have identified Alternative D, the Selected Alternative, as the environmentally preferable alternative because it best protects, preserves, and enhances the historic, cultural, and natural resources within the project area. The Selected alternative also best meets the intent of the National Environmental Policy Act, as stated in Section 101 of the Act. It does this by reducing risks of resource damage from wildfire by treating the greatest amount of hazardous fuels across the project area. It also reduces the risks to life and property by treating the

greatest amount of hazardous fuels within WUI areas. The Selected Alternative preserves existing high quality fish habitats in the Kirks Fork, East Fork American River, and Flint Creek, as do the rest of the alternatives. The Selected Alternative preserves Inventoried Roadless Areas, old growth areas, riparian habitat conservation areas, and high hazard landslide prone areas, as do all action alternatives. The Selected Alternative provides the maximum level of watershed restoration in both American River and Crooked River considered in the development of alternatives in the FEIS as does Alternative E, but also provides the greatest economic potential to implement this restoration. Although there are some adverse effects associated with the all action alternatives that accrue proportionally with the level of activity, such as soil disturbance, sediment, and loss of snags, these effects are all within ranges and thresholds allowed by the Forest Plan. A system of measures to avoid or minimize environmental harm from the Selected Alternative has been adopted, including the location and distribution of activities across the landscape and application of appropriate design and mitigation measures. As a result, the potential for measurable harm or damage to watershed, wildlife, and fisheries resources has been minimized or avoided while addressing important vegetation and hazardous fuel conditions to the extent practicable.

PUBLIC INVOLVEMENT

Public involvement in the project began in August 2003. A public discussion was held at Orogrande, Idaho, on August 2 and a public field trip to the project area on August 28. These sessions were held to provide information about the project area, present the proposed action, and discuss local concerns and interests that should be addressed in the project analysis.

On September 15, 2003, a scoping letter providing information and seeking public comment was mailed to approximately 30 individuals and groups that had previously shown interest in Forest Service projects on the Nez Perce National Forest. This included Federal and State agencies, the Nez Perce Tribe, municipal offices, businesses, interest groups, and individuals. The Forest Service received 20 responses to this mailing.

Announcements about the project were sent to the Lewiston Morning Tribune and Idaho County Free Press via a news release on September 17, 2003, and information about the project was subsequently published in both papers. A Notice of Intent was published in the Federal Register on September 25, 2003, when the Forest Service decided to prepare an EIS for the project.

The Draft EIS was issued to the public for review in early June 2004, with notices appearing in the Federal Register on June 10, 2004, in the newspaper of record (Lewiston Morning Tribune) on June 8, 2004, and in the Idaho County Free Press on June 9, 2004. Several news articles also appeared in these and other local newspapers. Open houses were held in Grangeville and Elk City, Idaho on June 29 and 30, 2004, respectively. The public comment period closed on July 23, 2004.

Five people attended the two open houses and 35 letters and electronic comments were received in response to the Draft EIS. Several who commented on the DEIS did not provide comments during initial scoping and project development periods.

In addition to these specific activities, the American Crooked Rivers project has been listed on the Nez Perce National Forest Schedule of Proposed Actions since July 2003. This list is mailed quarterly to approximately 470 groups and/or individuals. This information has also been available on the Internet at www.fs.fed.us/r1/nezperce.

Consultation with the Nez Perce Tribe occurred over the duration of project development.

ISSUES USED TO DEVELOP AND/OR COMPARE ALTERNATIVES

Resources affected by the proposed action and relevant issues raised during scoping determine the scope and extent of the analysis. By definition, relevant issues include predicted effects of the proposed action on resources within the planning area, and also include social and administrative concerns. Preliminary issues were identified through consultation with Forest Service resource specialists and examination of existing resource data. Some relevant issues raised during the scoping process were addressed in the Nez Perce Forest Plan Goals, Objectives, and Standards. Two significant issues, hazardous fuels management, and water quality and fish habitat, were identified from public comment and used to develop alternatives to the proposed action.

HAZARDOUS FUELS MANAGEMENT

Several differing views related to fire and fuels management were identified through public involvement and scoping. There was disagreement over whether existing fuel levels in the project area warrant treatment: some believed that fuel loadings have reached hazardous levels and should be treated, while others believed fuels treatments are not needed at this time. Among those who felt treatments are needed, there was disagreement over the methods to use, the priorities for treatment, and in what kinds of ecosystems to allow treatments. Others raised concerns that the project as proposed would not reduce the potential for substantial adverse effects from a large wildfire in the area. They believed that the proposed project would not treat enough area (4-8 percent of the total project area) to effectively reduce the spread and severity of a potential wildfire, and would not remove enough fuels to reduce the potential for crown fires. Another concern was that dead, dying, leaning, and overcrowded trees pose a threat to evacuation along the Crooked River Road in the event of a wildfire near the Elk City Township. Some recommended that landscape scale fire modeling be used to analyze the effects of the proposed treatments, including fire history and past, present, and post-fuel treatment conditions.

WATER QUALITY AND FISH HABITAT

Among the scoping comments received, there was concern about the potential for the project to result in early, increased water yields. One view was that management activities in riparian ecosystems have the potential to degrade riparian and aquatic health. Another view was that management activities can be used to maintain or improve riparian and aquatic health, and that the proposed activities would not negatively impact fish populations or water quality. Many believed that assessing cumulative impacts on water quality, quantity, temperature, and timing of flows would be critical to informing the decision maker and public. Many supported watershed improvement activities to improve existing aquatic conditions and help mitigate potential adverse impacts on water quality and fish habitat from activities on non-national forestlands. Some were interested in the development of a restoration-only alternative.

RESPONSE TO COMMENTS AND CHANGES TO THE DRAFT EIS

EFFECTS ON UNROADED CHARACTER

After reviewing the comments to the DEIS from Friends of the Clearwater, an environmental organization from Moscow, Idaho, I sought clarification regarding the group's comments

regarding inventoried roadless areas and unroaded areas. On September 22, 2004, I received additional information from the group, including a map of unroaded areas within the project area that were of concern to them. I decided to analyze effects on unroaded areas in the FEIS, using the areas identified on the map provided by this group. In addition, I instructed the Interdisciplinary team to take a harder look at the related concerns, in the FEIS, than had been done in the DEIS.

COMMUNITY PROTECTION

Periodic consultations have occurred with the Idaho County Commission during the development of the project. On November 17, 2004, the Commission sent the Forest a letter requesting consideration of community protection around several residential areas near the project area, including Elk City. In response to the letter, I have considered these areas in the FEIS and in the key decision factors influencing this decision.

USE OF STEWARDSHIP CONTRACTING AUTHORITIES

Several commenters on the DEIS, including the Nez Perce Tribe and the North Central Idaho Resource Advisory Committee, recommended that the Forest use stewardship contracting authorities to implement this project. I intend to use stewardship contracting authorities, among other contracting mechanisms as appropriate, to implement this project.

The use of existing stewardship contracting authorities is appropriate in the context of this project for the following reasons:

The project was developed through collaboration with groups and individuals representing a broad spectrum of interests.

The project, Alternative D, is supported by the Idaho County Commission.

The project, Alternative D, is supported by the North Central Idaho Resource Advisory Council, which is comprised of a broad-based membership of environmental, political, and resource management perspectives.

The project economic analysis indicates a strong probability for a positive revenue/cost ratio, which would provide the most direct opportunity to apply revenues toward resource improvement needs, including watershed and fish habitat restoration.

OLD GROWTH

The American and Crooked River Project was designed to avoid all direct harvest impacts to old growth and meet Forest Plan Standards for Old Growth. Concerns over which definition of old growth (Forest Plan or North Idaho Guideline) were brought up during comments on the DEIS. All proposed units were evaluated, and units that had either Forest Plan or North Idaho old growth characteristics were dropped from consideration for harvest. FEIS Maps 17a and 17b, and the old growth discussion in FEIS Section 3.11 summarize the amount and distribution of old growth for this project.

ALTERNATIVES CONSIDERED IN DETAIL IN THE FEIS

Three action alternatives to the proposed action were developed in response to the significant issues, and five alternatives, including the No Action alternative, were considered in detail.

Alternative C was the proposed action and Alternatives B, D, and E responded to the significant issues. Alternative D was the preferred alternative in the Draft and Final EIS. Table R-6 displays the activities for the action alternatives as analyzed in the FEIS.

ALTERNATIVE A – NO ACTION

Both Forest Service and the CEQ regulations require the development of the No Action alternative. This alternative serves as the baseline for comparison of the effects of all action alternatives.

Under this alternative, there would be no change in current management direction or in the level of ongoing management activities within the project area. No fuel reduction or watershed improvement activities would be implemented. Work previously planned within and/or adjacent to the project area would still occur under this alternative (FEIS Table 3.0, Projects considered for cumulative effects).

ALTERNATIVE B

This alternative was developed in response to concerns that the proposed action was treating too many acres. This alternative treats 2,550 acres. It contains the watershed improvement activities described in Appendix D and summarized above that would provide for an upward trend in fish habitat and water quality.

ALTERNATIVE C – PROPOSED ACTION

The proposed action was developed to respond to the purpose and need and was scoped in June 2003. This alternative would reduce existing and potential fuel loads through removing dead and dying lodgepole pine and live ladder fuels. It would treat 2,744 acres. It would also implement watershed improvement activities that would provide for an upward trend in fish habitat and water quality.

ALTERNATIVE D – PREFERRED ALTERNATIVE

The preferred alternative was developed in response to significant issues raised by the public. This alternative looks at more possibilities along roads than the proposed action. It would treat 3,452 acres. Entry into mixed conifer stands is included to meet the economic objective. It would also implement watershed improvement activities that would provide for an upward trend in fish habitat and water quality. This alternative also analyses additional aquatic improvement activities equivalent to Alternative E that may be implemented if funding is available.

ALTERNATIVE E

This alternative proposes activities that would reduce impacts to soils and aquatics in the American and Crooked River watersheds. It reduces ground-disturbing activities and includes the most comprehensive watershed improvement package. This alternative addresses the soils and aquatics issues beyond what would be required to attain an upward trend. It contains the maximum aquatics improvements package. It would treat 2,156 acres. The economic impact of this alternative is discussed in FEIS Section 3.12.

Table R-6. Alternatives in the American and Crooked River Project

Proposed Activity – Total Project		Alt B	Alt C	Alt D[1]	Alt E	Selected Alt[2]
Acres of Treatment	Tractor Yard/Machine Pile	1,138	1,172	1,813	901	1,759
	Cable Yard/Broadcast Burn	945	1,095	1,173	780	1,114
	Roadside Salvage	467	477	466	475	466
	Total Acres Treated	**2,550**	**2,744**	**3,452**	**2,156**	**3,339**
	Percent Clearcut	42%	42%	34%	28%	34%
	Percent Partial Cut/Thin	58%	58%	66%	72%	66%
	Wildland Urban Interface	559	731	1,113	290	1,113
Temporary Road Construction (miles)[3]		8.0	14.3	14.3	5.4	12.0
Road Reconditioning (miles)[4]		79.4	80.3	90.5	74.3	90.5
Watershed Restoration Package Improvements						
Miles (acres) of Decommissioned Roads[5]		13.9 (56)	17.3 (69)	18.9/18.1 (73/74)	37.0 (147)	18.9/18.1 (73/74)
Miles of Watershed Road Improvement[6]		15.2	15.8	16.6/8	24.6	16.6/8
Watershed Road Improvement (number of sites)		1	3	3	3	3
Stream Crossing Improvements (number)[7]		10	10	13/21	34	13/21
Miles of Instream Improvements		10.3	11.1	11.1/3.5	14.6	11.1/3.5
Miles of Recreation and Trail Improvements		2.3	2.3	2.3/2.3	4.6	2.3/2.3
Acres of Recreation and Trail Improvements		0	8.1	8.1	8.1	8.1
Acres of Mine Site Reclamation		7	7	7/2	9	7/2
Acres of Soil Restoration in addition to road decommissioning		18	26	32/26	58	32/26
Miles of Access change for vehicle use[8]		2.6	2.6	2.6	2.6	2.6
Miles of Access change roads to trails[9]		1.6	1.6	1.6	1.6	1.6

[1] Alternative D includes analysis of additional watershed improvement activities, equivalent to Alt E, that could be implemented if funding allows. The required and additional watershed restoration work for this alternative is shown as X/Y in the table. These numbers do not reflect changes identified in this decision.

[2] This represents Alternative D with the modifications previous listed in this Record of Decision. Like Alternative D, it includes additional watershed improvement activities, equivalent to Alt E, which could be implemented if funding allows. The required and additional watershed restoration work for the Decision is shown as X/Y in the table.

[3] Temporary roads would be decommissioned within one to three years of construction.

[4] This category includes a range of activities, such as surface blading, drainage repair, and roadway brushing with occasional culvert installations, slump repairs, and stabilization work. The roadwork in this category is primarily for the purpose of timber removal.

[5] Road decommissioning for this project covers a range of activities, from recontouring to abandonment due to overgrown conditions. See Appendix D of the FEIS.

[6] Some of the roadwork in this category is also included in the Miles of Road Reconditioning category in this table. Although this roadwork is primarily for the purpose of timber removal, it will also result in an improvement in watershed health.

[7] Stream crossing improvements include upgrading or improving culverts and bridges to improve fish passage and peak water flows and are listed as the number of sites.

[8] This is an access change, which only allows two wheeled vehicles or snowmobiles over snow, and excludes use by all terrain vehicles (ATV).

[9] The miles of roads being converted to ATV trail.

ALTERNATIVES CONSIDERED AND ELIMINATED FROM DETAILED STUDY

The following alternatives were considered and eliminated from detailed study. The rationale for not considering these alternatives is contained in Chapter 2 of the Final EIS.

- Restoration Only and/or No Timber Harvest
- Defensible Space

- Expanded Action via Access through Inventoried Roadless Areas
- Expanded Action with Access outside of Inventoried Roadless Areas

CONSISTENCY WITH FOREST PLAN GOALS, OBJECTIVES, AND STANDARDS

The Nez Perce Forest Plan provides overall management direction for the Nez Perce National Forest, including:

- Multiple-use goals and objectives, and management standards and guidelines to achieve them.
- Monitoring and evaluation requirements to determine whether goals, objectives, and standards and guidelines are being met.
- Direction for management areas with similar management emphasis.

OVERALL CONSISTENCY

The selected alternative meets the goals and objectives of the Nez Perce Forest Plan, and is consistent with Forest-wide Standards (existing and amended) for Recreation, Visual Resources, Cultural Resources, Wildlife and Fish, Timber, Water, Soils, Riparian Areas, Wild, Scenic, and Recreation Rivers, Air Quality, Roads and Trails, and Protection, through project design and planning. (These are discussed at the end of each resource section in Chapter 3, under Adherence to Forest Plan Standards.)

The selected alternative provides for monitoring and evaluation to achieve the Forest Plan goals, objectives, and standards (FEIS, Section 2.3). The monitoring discussed in Appendix I of the FEIS relates to both project implementation and reaching project goals and Forest Plan monitoring requirements.

The selected alternative contributes to the Forest-wide Desired Future Conditions (pages II-13 to II-15 of the Forest Plan) by advancing the following Forest-wide Goals (from pages II-1 and II-2 of the Forest Plan). The following Forest-wide Goals apply to this project and will be met as follows:

Table R-7. Consistency with Nez Perce National Forest Goals

Goal Number	Goal Summary	Progress Achieved By
1	Provide a sustained yield of resource outputs at a level that will help support the economic structure of local communities and provide for regional and national needs.	The selected alternative will generate about 25.4 mmbf of timber and support 250 timber and fuels-related jobs. (See FEIS, Section 3.12—Socio-Economics.)
2	Provide and maintain a diversity and quality of habitat that ensures a harvestable surplus of resident and anadromous game fish species.	Under the selected alternative, watershed improvements will improve fish habitats. Reduced road density, increased large woody debris, improved pool habitat, riparian plantings, and removal of fish passage barriers (culverts) are planned. (See FEIS, Section 3.3—Fisheries.)
3	Provide and maintain a diversity and quality of habitat to support viable	Viable populations will continue to be maintained on the Forest. Old growth standards and snag

Goal Number	Goal Summary	Progress Achieved By
	populations of native and desirable non-native wildlife species.	standards will be met or exceeded, and elk forage habitat will be improved as this project is implemented. (See FEIS, Section 3.11—Wildlife.)
4	Provide habitat to contribute to the recovery of Threatened and Endangered plant and animal species in accordance with approved recovery plans. Provide habitat to ensure the viability of those species identified as sensitive.	Habitats for Threatened, Endangered, and Sensitive plant and animal species will be maintained in the analysis areas. The proposed management actions will not adversely affect viability of existing sensitive plant populations. Impacts on wolves are expected to be small to negligible, and limited on lynx habitat. All lynx conservation measures will be met. (See FEIS, Section 3.10.1.3—Rare Plants and Sections 3.11.1 and 3.11.2—Wildlife.)
5	Provide a wide range of dispersed and developed recreation opportunities and experiences by providing access, facilities, and education necessary to meet public demand.	The selected alternative will not exclude any of the existing recreational uses and will not affect recreation features within the analysis area. (See FEIS, Section 3.6—Recreation.)
6	Recognize and promote the intrinsic ecological and economic value of wildlife and wildlife habitats. Provide high quality and quantity of wildlife habitat to ensure diversified recreational use and public satisfaction.	The selected alternative will result in positive trends in elk habitat and anadromous fish habitat potential that may result in some degree of increase in this segment of the economy. Current levels of other recreation-based economic activities will not be appreciably affected. (See FEIS, Section 3.12—Socio-Economics.)
10	Maintain air quality to meet or exceed applicable standards and regulations.	The selected alternative will affect air quality. Locally adverse and cumulative impacts to air quality can be expected if extensive prescribed burning occurs; however, these actions will also decrease particulate matter emissions from wildfires. Mitigation measures and procedures outlined in the North Idaho Smoke Management Memorandum of Agreement are intended to coordinate prescribed burning actions to avoid adverse cumulative effects on air quality. As a result, Forest Plan Standards will be met. (See FEIS, Section 3.5—Air Quality.)
11	Locate, protect, and interpret significant prehistoric, historic, and cultural resources.	An appropriate heritage resource survey has been conducted for the project area. All 25 sites within the project area have been evaluated and protection measures are in place for those sites eligible for the National Register of Historic Places. The Idaho State Historic Preservation Office has approved all evaluations and protection measures. (See FEIS, Section 3.9—Heritage.)
12	Provide a stable and cost-efficient transportation system through construction, reconstruction, maintenance, or transportation system management.	All roads planned for decommissioning were identified in the American and Crooked Rivers Roads Analysis as not required for future management needs. There is little change in travel access with highway vehicles, because

Goal Number	Goal Summary	Progress Achieved By
		most of the road miles proposed for decommissioning are currently closed to access vehicles. (See FEIS, Section 3.8—Transportation.)
13	Protect resource values through cost-effective fire and fuels management, emphasizing fuel treatment through the utilization of material and using prescribed fire.	Some stands in the very frequent and frequent fire regimes would have either mechanical disturbance and/or fire returned to them. This would start to bring the treated stands back into their historic fire regime. In stands in the infrequent and very infrequent fire regimes, the disturbance would tend to maintain the normal fire return interval. The treatments would lower the acres in the project area classified as a high fire hazard, and would reduce the fuel loadings and continuity over the project area, reducing the effects of a large-scale wildland fire. (See FEIS, Section 3.4—Fire.)
14	Protect resource values through the practice of integrated pest management.	There are zones in the analysis area that have a moderate risk of weed expansion, with the transportation corridors as the primary spread pathway. The risk of expansion will be minimized through implementation of all design criteria for noxious weeds and specified monitoring protocols. (See ROD, Appendix A—Design Criteria and Mitigation Measures, and FEIS, Section 3.10.4—Weeds and Non-Native Vegetation.)
18	Maintain soil productivity and minimize any irreversible impacts to the soil resource.	About 20 acres of timber harvest or mechanical fuel reduction are planned on soils highly susceptible to surface erosion. No timber harvest or road construction will occur on lands confirmed as high risk for landslides. About 27 acres of temporary road construction on soil substrata highly susceptible to erosion are planned and will be decommissioned after timber harvest. (See FEIS, Section 3.1—Soils.) Project design and mitigation measures were developed to minimize detrimental disturbance and erosion, with the objective of ensuring that activity areas meet Forest Plan soil standard 2, upon completion of the planned activities. (See ROD, Appendix A—Design Criteria and Mitigation Measures.) Monitoring and restoration requirements were established to verify compliance and to augment mitigation or restoration actions. (See FEIS, Appendix I.)
19	Present diverse, natural-appearing landscapes to view throughout the Forest.	No changes in VQOs/SIL will result from the project. Current scenic integrity level (SIL) will remain moderate to very low. (See FEIS, Section 3.6, Indicator 1—ROS/SILS.)
20	Maintain or enhance stream channel	The planned timber harvest and temporary road

Goal Number	Goal Summary	Progress Achieved By
	stability and favorable conditions for water flow.	construction are expected to have relatively little effect on channel morphology. The estimated slight increase in ECA and sediment yield to the prescription watersheds are at levels where little channel erosion or deposition is anticipated, and do not pose a risk to fish habitat. The actions are consistent with the entry frequency and sediment yield guidelines in Appendix A of the Forest Plan. Several stream crossing improvements should improve channel morphology conditions in their immediate vicinity. Some of the road decommissioning involves crossings and riparian areas; channel morphology should be improved in these areas. (See FEIS, Section 3.2, Indicator 4—Channel Morphology, and Section 3.3—Fisheries.)
21	Provide water of sufficient quality to meet or exceed Idaho State Water Quality Standards and local and downstream beneficial uses.	Sediment yields in the peak activity year of 2005 all stay below Forest Plan sediment yield guidelines. The chronic sediment yield over base is lower in 2012 than in pre-project conditions, reflecting the effect of decommissioning and improvements on existing roads. Other than sediment yield, there will be little change in most water quality parameters. Beneficial uses will be protected. Instream improvement work will be done in accordance with Idaho State Water Quality Standards, Section 404 Permit requirements, and Stream Alteration Permit requirements. (See FEIS, Section 3.2, Indicator 5—Water Quality.)
22	Protect or enhance riparian-dependent resources.	No timber harvest is proposed within streamside and wetland RHCAs and high-risk landslide prone RHCAs. PACFISH guidance will be applied to restoration actions within streamside, landslide prone, and wetland RHCAs. (See FEIS, Section 3.3—Fisheries.)

The following Forest Plan Goals do not apply within the context of this project.

Table R-8. Nez Perce National Forest Plan Goals That Do Not Apply To This Project

Goal Number	Goal Summary	Explanation
7	Protect and enhance identified, outstandingly remarkable values and free flowing condition of Wild and Scenic Rivers.	The approved project actions are not within or adjacent to the ½ mile eligible river corridor. Therefore, this project will not pose any threats to outstanding resource values identified for South Fork of the Clearwater River. (See FEIS, Section 3.7—Wild and

Goal Number	Goal Summary	Explanation
		Scenic Rivers.)
8	Protect and enhance wilderness values and character in designated wildernesses.	No activities are planned in Inventoried Roadless Areas or in Wilderness Areas. Harvest activities at various levels and intensities are planned in areas identified as having possible unroaded characteristics. (See FEIS, Section 3.7—Wilderness, Inventoried Roadless Areas, and Areas with Possible Unroaded Characteristics.)
9	Provide firewood for personal use.	The selected alternative will not provide firewood as a timber product, and will not directly or indirectly affect access to firewood for personal use.
15	Allow surface occupancy for leasable mineral development where consistent with management goals.	Approved activities will not affect leasable mineral development.
16	Protect Forest resources to allow for their safe and orderly use.	The selected alternative will not affect the protection of Forest resources or law enforcement actions on the Forest.
17	Facilitate mineral exploration and development while protecting surface resources and environmental quality.	Approved activities will not affect mineral exploration and development.
23	Provide administrative sites and facilities that effectively and safely serve the public and accommodate the workforce.	Approved activities will not affect any administrative sites or facilities.

Forest Plan Amendment 20 (PACFISH)

The PACFISH Environmental Assessment amended the Nez Perce Forest Plan in 1995 and is incorporated as Amendment 20. PACFISH establishes riparian goals, riparian management objectives (RMOs), and defines riparian habitat conservation areas (RHCAs). It includes specific direction for land management activities within riparian areas, wetlands, and landslide-prone terrain. The riparian goals direct the Forest to maintain or improve habitat elements such as water quality, stream channel integrity, instream flows, riparian vegetation, and several others. PACFISH also directs that "Best Management Practices" will be applied to all land-disturbing activities, including prevention of soil erosion during land management activities.

No site-specific analysis has been completed to modify PACFISH default buffers. RHCAs will be 300 feet either side of fish bearing streams and 150 feet either side of non-fish bearing streams. Intermittent streams will be managed to Key Watershed standards.

COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

NATIONAL FOREST MANAGEMENT ACT

The National Forest Management Act and accompanying regulations require that several specific findings be documented at the project level. These are:

Forest Plan Consistency [16 U.S.C. 1604(i)] – *All resource plans must be consistent with the Forest Plan goals, objectives, and standards.* Forest Plan goals, objectives, and standards are displayed throughout the Final EIS. Consistency with these goals, objectives, and standards is addressed most specifically in Chapters 1, 2, and 3 of the FEIS and in the preceding section of this decision.

Suitability for Timber Production [16 U.S.C. 1604(k)] - *No timber harvest, other than salvage sales to protect other multiple values, shall occur on lands not suited for timber production.* No timber harvest will be scheduled on unsuitable land with this decision. Refer to Forest Plan III-37, III-38, and III-44.

Clearcutting and Even-aged Management [16 U.S.C 1604(g)(3)(F)(i)] - *When timber is to be harvested using an even-aged management system, a determination that the system is appropriate to meet the objectives and requirements of the Forest Plan must be made, and where clearcutting is used, it must be determined to be the optimum method.* Clearcutting, seed tree, and shelterwood cut treatments are proposed. Even-age management is appropriate to meet the objectives and requirements of the Forest Plan and was determined to be the optimum method of management where prescribed.

Openings Over 40 Acres

Direction in Forest Service Manual 2471.1 states that the size of openings created by even-aged silvicultural treatments in the Northern Rockies will normally be 40 acres or less, with certain exceptions. One of those exceptions includes catastrophic events such as fire, windstorms, or insect and disease attacks. In these cases, the 40-acre limitation may be exceeded without 60-day public review and without Regional Forester approval, provided the public is notified and the environmental analysis supports the decision.

Implementation of the selected alternative will create some openings that are greater than 40 acres in size. All of these openings have been precipitated by the action of catastrophic events, in this case insect attacks and disease. The harvest units range in size from 1 to 81 acres in size. In several instances, the units are adjacent to other planned or existing units, and the cumulative opening size will exceed 40 acres. FEIS Table L-1 in Appendix L displays openings over 40 acres that will be created with implementation of the selected alternative. The documentation in the FEIS constitutes public notification.

Vegetative Manipulation [36 CFR 219.27(b)] - *All proposals that involve vegetative manipulation of tree cover, for any purpose, must comply with seven requirements. Management practices shall:*

1. *Be best suited to the goals stated in the Forest Plan.* These goals are stated on pages 1-4 through 1-7 of the FEIS and vegetative manipulation as a means to the goals is discussed in Chapter 3 of the FEIS. How this decision implements and meets the goals of the Forest Plan are discussed in this decision on pages ROD-19 through ROD-23.
2. *Assure that technology and knowledge exist to adequately restock lands within 5 years after final harvest.* This is discussed in the FEIS in Section 3.10, Vegetation and Appendix H, Treatments by Alternative.
3. *Not be chosen primarily because they will give the greatest dollar return or the greatest output of timber.* The estimated economic and timber outputs were determined and

displayed in the FEIS in Section 3.12, Socio-Economic and were factors in my decision. However, the effectiveness of each alternative to meet the project purpose and need (to reduce hazardous fuels in the project area) while meeting Forest Plan standards for watershed conditions, was the primary consideration in my decision.

4. *Be chosen after considering potential effects on residual trees and adjacent stands.* These considerations are fully analyzed and displayed in the FEIS in Section 3.10, Vegetation.

5. *Be selected to avoid permanent impairment of site productivity and to ensure conservation of soil and water resources.* These subjects are addressed in the FEIS in Sections 3.1, 3.2, and 3.3 (Soils, Watershed and Fisheries, respectively). With the application of design and mitigation measures, the project is expected to fully meet Forest Plan standards for soils (compaction and erosion). Soil restoration and road decommissioning will mitigate the effects of past and planned timber harvest and will slightly improve existing conditions. The project is expected to have short-term impacts on sediment yield (primarily from road work and soil restoration), followed by long-term improvements; all of the short-term impacts are expected to be within the Forest Plan guidelines.

6. *Be selected to provide the desired effects on water quality and quantity, wildlife and fish habitat, regeneration of desired tree species, forage production, recreation uses, aesthetic values, and other resource yields.* The selected alternative produces the desired effects through compliance with Forest Plan goals, objectives, standards, and guidelines (Chapter 3 of the FEIS).

7. *Be practical in terms of transportation and harvesting requirements and total costs of preparation, logging, and administration.* The economic outputs were discussed in the FEIS in Section 3.12, Socio-Economic. The costs associated with the various vegetative treatments and watershed restoration actions are based on current local projections.

Roads [36 CFR 219.27(a)(10)] - *Any roads constructed must be designed according to standards appropriate to planned uses, considering safety, cost of transportation, and effects upon lands and resources.* The selected alternative will not construct any new permanent roads. Where temporary road use is proposed, construction will be performed to standards appropriate for the planned use.

Wilderness and Roadless Areas - Congress and the Forest Service have identified Wilderness Areas and Inventoried Roadless Areas through past actions. None of the selected alternative's activities will occur within any Inventoried Roadless Area or Wilderness Area.

The National Forest Management Act regulations define unroaded areas as any area without the presence of classified roads, and of a size and configuration sufficient to protect the inherent characteristics associated with its roadless condition. Under the selected alternative, harvest activities and temporary road construction will occur in areas identified as having possible unroaded characteristics, which will reduce solitude, natural integrity, and apparent naturalness. Road obliteration will increase the areas with possible unroaded characteristics as vegetative regrowth occurs.

Sensitive Species - Sensitive species are addressed for fish, plants, and wildlife (FEIS Sections 3.3, 3.10.1.3, and 3.11.2, respectively). Forest Service Manual (2670) provides direction for sensitive species management. The selected alternative incorporates design criteria for sensitive species to ensure their viability throughout their range on National Forest lands and to ensure they do not become Federally listed as threatened or endangered (Appendix A of this decision).

Species Viability [36 CFR 219.20] – The National Forest Management Act requires that vertebrate species populations' viability be maintained across the "planning area," generally defined as each National Forest. The selected alternative, implemented in combination with past, present and reasonably foreseeable future management actions in the project area, contributes toward maintaining viable populations of all native and desired nonnative vertebrate species populations well distributed across the Forest.

Wildlife Species Viability: The wildlife species viability analysis for this project (Appendix J of the FEIS) relied on data summarized from mid-scale subbasin ecological assessments encompassing the project area, and site-specific habitat analyses for species-at-risk that are relatively well distributed across the Forest. The site-specific analysis addressed federally listed species, Forest Plan Management Indicator Species, and key Forest Service sensitive species (from the USFS Region 1 "species of concern" list, last updated October 25, 2004). The selected alternative and analysis of impacts on wildlife species addressed in the American and Crooked River FEIS are consistent with Forest Plan standards and guides, the Endangered Species Act, National Forest Management Act, and Forest Service Manual 2670.

Based on application of carefully-designed actions in the American and Crooked River Project and in consideration of the species population monitoring data collected to date across the Forest, the evidence fully supports the conclusion that all monitored terrestrial management indicator and federally listed species populations are being maintained or are increasing locally, and will continue to do so after implementation of this project. The desired condition for the American and Crooked River Project is to protect and enhance the habitat and local populations of wildlife species. The selected alternative complies with NFMA direction that wildlife habitats be managed to maintain viable populations of existing native and desired non-native species well distributed across the "planning area" (Nez Perce Forest), of which the American and Crooked River Project area is a part. At the Forest level and across the range of the various wildlife species, past, present, and reasonably foreseeable future actions in and around the American and Crooked River watersheds will have a small or negligible effect on wildlife habitat or wildlife populations.

Fish Species Viability: The Nez Perce National Forest Plan (USFS 1987) identified steelhead trout, westslope cutthroat trout, and chinook salmon as Management Indicator Species (MIS). All three of these species exist in the project area. The plan calls for monitoring of population levels of all MIS on the Forest.

Assessment of population viability is a critical part of addressing the effects of land management actions on both terrestrial and aquatic species. Significant vegetation management and aquatic restoration proposals in Red River, Crooked River, and American River predicated the need to address population viability across the upper South Fork Clearwater subbasin.

A population viability analysis for MIS fish species has been completed and is in the project record (Population Viability Assessment Upper South Fork Clearwater River, USFS 2004). In

summary, this work found that most streams in the project area supporting MIS fish species were impacted by past management activities. Anadromous fish (steelhead and chinook) populations had been impacted by a long history of hydroelectric dams and subsequent supplementation. Resident fish like westslope cutthroat were more influenced by harvest and introductions of non-native fish like brook trout. All three species had been impacted by alterations to their habitat.

Population monitoring of these fish found highly variable data but a general decline in mean densities from the 1980s through 2003 for steelhead trout and chinook salmon. Monitoring data for westslope cutthroat trout showed no real trend.

The assessment of risk to MIS species from ongoing and proposed activities found a degree of habitat degradation expected over the short term, as a result of implementing the American and Crooked River project. This will be followed by an expected long-term improvement following the road decommissioning and other watershed improvement activities.

NATIONAL ENVIRONMENTAL POLICY ACT

The requirements of NEPA, as specified in 40 CFR Part 1500, have been fully applied through this project planning effort. The DEIS, FEIS, and ROD, and the comprehensive analyses and public involvement steps which they incorporate, comply with the letter and intent of NEPA. The FEIS analyzes a reasonable range of alternatives, including No Action, and discloses the expected environmental effects of each alternative within the context of identified issues. This Record of Decision describes the selected alternative and the rationale supporting the decision. This project is in full compliance with the National Environmental Policy Act.

Cumulative Effects – Cumulative effects are discussed in the FEIS in Chapter 3 for each resource. FEIS Table 3.0 displays the recently past, current (or present), ongoing, or reasonably foreseeable future activities within the American and Crooked River watersheds, as well other activities in the South Fork Clearwater River Subbasin. If other projects occur in the future that significantly affect the basis of this decision, the decision will be amended.

HEALTHY FOREST RESTORATION ACT

The Healthy Forest Restoration Act of 2003 (Public Law 108-148, December 3, 2003) gives direction to conduct hazardous fuels reduction projects on National Forest System lands. These projects are “aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watershed, and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and other purposes” (H.R. 1904). Specific direction for hazardous fuel reduction projects is found in Title 1 – Hazardous Fuel Reduction on Federal Land, Section 102 – Authorized hazardous fuel reduction projects (16 USC 6512). While this project is consistent with the intent of the Act, it was not scoped and is not considered a project authorized under the Act.

NOXIOUS WEEDS MANAGEMENT

Analysis and evaluation of invasive plants in the American and Crooked River FEIS is based on direction contained in the Federal Noxious Weed law (1974) as amended, Executive Order 13112 for Invasive Species, Forest Service policy (2080), Northern Region Supplement (R1

2000-2001-1) Implementation of Integrated Weed Management on National Forest System lands in Region 1, and the Nez Perce National Forest Plan (II-7, II-20, II-26, III-6). In general, the Forest is directed to implement an effective weed management program with the objectives of preventing the introduction and establishment of noxious weeds; containing and suppressing existing weed infestations; and cooperating with local, state, and other federal agencies in the management of noxious weeds.

There are zones in the analysis area that have a moderate risk of weed expansion, with the transportation corridors as the primary spread pathway. The risk of expansion will be minimized through implementation of all design criteria for noxious weeds and specified monitoring protocols (ROD Appendix A—Design Criteria and Mitigation Measures, and FEIS Section 3.10.4—Weeds and Non-Native Vegetation).

ENDANGERED SPECIES ACT AND MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

Threatened and endangered species are designated under the Endangered Species Act. It is the policy of Congress that all Federal departments shall seek to conserve endangered and threatened species and shall utilize their authorities in furtherance of this purpose (ESA 1531.2b). The Endangered Species Act also provides direction that federal agencies will consult on all activities that may affect listed species and/or their habitat.

The Magnuson-Stevens Act, Section 3, defines Essential Fish Habitat as “those waters and substrate necessary for fish for spawning, breeding, feeding, or growth to maturity.” Pursuant to Section 305(b) of the Magnuson-Stevens Act and its implementing regulations (50 CRF 600.920), Federal agencies must consult with the National Oceanic and Atmospheric Administration - National Marine Fisheries Service (NOAA-NMFS) regarding any of their actions that may adversely affect Essential Fish Habitat. Federal agencies may incorporate an Essential Fish Habitat Assessment into Biological Assessments prepared for consultation under the Endangered Species Act.

The American and Crooked River project is in compliance with the Endangered Species Act. Biological Assessments were prepared for threatened and endangered species that could occur within the project area and potentially be affected by the project. Concurrence from U.S. Fish and Wildlife Service (USFWS) and NOAA-NMFS has been documented. The following determinations of effect have been made for the selected alternative (Table R-9). Copies of the Biological Opinions are in the project record. The Biological Assessments and documentation of consultation are contained in the American Crooked River project file.

Table R-9. Summary of Effects Determinations for Threatened and Endangered Species

	Species	Status	Determination of Effect
Fish	Fall Chinook Salmon	Threatened	No Effect
	Steelhead/Interior Redband Trout	Threatened	Likely to Adversely Affect
	Bull Trout	Threatened	Likely to Adversely Affect
Wildlife	Gray Wolf	Threatened (10(j))	Not Likely to Jeopardize
	Bald Eagle	Threatened	Not Likely to Adversely Affect
	Lynx	Threatened	Not Likely to Adversely Affect

The Biological Opinion from USFWS for the American and Crooked River Project (January 2005) includes reasonable and prudent measures to avoid or minimize take of bull trout (section VII.C), and the non-discretionary terms and conditions required to implement those measures (section VII.D). It also includes discretionary conservation recommendations (section VIII). The mandatory terms and conditions become required design or mitigating elements for this decision, and thus ensure project compliance with the Endangered Species Act.

The Biological Opinion from NOAA-NMFS for the project (March 2005) includes reasonable and prudent measures to avoid or minimize take of steelhead, and the mandatory terms and conditions required to implement those measures. These terms and conditions also serve as the Essential Fish Habitat conservation recommendations required by the Magnuson-Stevens Act. These mandatory terms and conditions become required design or mitigating elements for this decision, and thus ensure project compliance with the Endangered Species Act.

The American and Crooked River Area have been designated as priority watersheds, as directed by USFWS and NOAA-NMFS for recovery of Endangered Species Act listed fish species. These regulatory agencies issued Biological Opinions for Land and Resource Management Plans 1998 (USDI NOAA-NMFS, *et al,* 1988) with guidelines for priority watersheds. The selected alternative adheres to these guidelines (as discussed in the FEIS Section 3.3—Fisheries).

According to USFWS list #1-4-04-SP-612 (letter dated 9/01/2004), no threatened, proposed, or candidate plant species or their suitable habitat occurs within the project area. Consultation for listed plants is not warranted, and a Biological Assessment was not prepared for listed plant species.

MIGRATORY BIRD TREATY ACT (MBTA) AND MIGRATORY BIRD CONSERVATION EXECUTIVE ORDER (DATED JANUARY 10, 2001)

The selected alternative is in compliance and alignment with both the MBTA and the Migratory Bird Conservation Executive Order (dated January 10, 2001) which authorizes activities including habitat protection, restoration, enhancement, necessary modification, and implementation of actions that benefit priority migratory bird species (Memorandum of Understanding Between USDA Forest Service and USDI Fish & Wildlife Service – 01-MU-11130117-128). Despite the risks of limited, potential direct disturbance and localized impacts to nesting habitats of a few bird species within this landscape, the selected alternative is

consistent with current interpretation of the MBTA applicable to disturbance of nesting songbirds.

CLEAN AIR ACT

The Clean Air Act, passed in 1963 by the U.S. Congress and amended several times, is the primary legal instrument for air resource management. Air quality standards are established by the Environmental Protection Agency and implemented by the State of Idaho Dept. of Health and Welfare through their State Implementation Plan and State Smoke Management Plan. The Nez Perce National Forest Plan direction for air quality is to meet the requirements of the State Implementation Plan and the State Smoke Management Plan (Forest Plan p. II-23).

In the American Crooked River project, fire and smoke will be managed to comply with State and Federal air quality regulations and controls and ensure compliance with the Clean Air Act. Implementation of the selected alternative will increase particulate matter emissions from timber harvest activities, but are expected to reduce these emissions from wildfires. Impacts to air quality (visibility) in the nearby Selway-Bitterroot Wilderness (Class I airshed) will be minimal and short in duration due to the relatively small burn size.

CLEAN WATER ACT

The Clean Water Act stipulates that states are to adopt water quality standards. Included in these standards are provisions for identifying beneficial uses, establishing the status of beneficial uses, setting water quality criteria, and establishing Best Management Practices to control non-point sources of pollution. The South Fork Clearwater Subbasin Assessment and Total Maximum Daily Loads (TMDLs) address water-quality-limited streams listed under Section 303(d) of the Clean Water Act. The TMDL was approved by the EPA in July 2004. The entire project area contributes to the South Fork Clearwater River, which is Section 303(d) listed for water temperature and sediment.

The selected alternative is expected to comply with applicable Clean Water Act and Idaho State Water Quality Standards through the application of project design criteria, best management practices, and soil and water conservation practices (Project Design and Mitigation Measures, FEIS Table 2.3). An in-depth discussion of the effects of the project on aquatic resources is in FEIS Sections 3.2—Watershed and Section 3.3—Fisheries, and the effects of the watershed improvements are analyzed in detail in FEIS Appendix E. The effects of the project on the South Fork Clearwater River are discussed in Section 3.2.3 of the FEIS.

The Environmental Protection Agency and Idaho Department of Environmental Quality have been consulted on this project. On September 30, 2004, the Forest received a letter from Idaho DEQ regarding the project stating, “The information contained within the DEIS appears to be consistent with the intent of this TMDL and the agreement between State and Federal Agencies regarding impacts to this water body.” Their concerns have been addressed with my decision.

FLOODPLAINS AND WETLANDS MANAGEMENT (EXECUTIVE ORDERS 11988 AND 11990)

Executive Orders 11988 and 11990 pertain to floodplain management and protection of wetlands. The selected alternative has project design measures and watershed improvements that are expected to meet the intent and assist in the attainment of the objectives of these

Executive Orders. Riparian and floodplain function will be restored during streamside road decommissioning and instream improvement projects. Some human-created compacted and/or saturated areas that support riparian plant species on old landings, skid trails and roads may be altered in the soil restoration and road decommissioning projects. The functionality and distribution of natural wetlands should be enhanced.

IDAHO FOREST PRACTICES AND STREAM CHANNEL PROTECTION ACTS

The Idaho Forest Practices Act regulates forest practices on all land ownerships in Idaho. Forest practices on national forest lands must adhere to the rules pertaining to the Act (IDAPA 20.02.01). The rules are also incorporated as BMPs in the Idaho Water Quality Standards.

The Idaho Stream Channel Protection Act regulates stream channel alterations between mean high water marks on perennial streams in Idaho. Instream activities on national forest lands must adhere to the rules pertaining to the Act (IDAPA 37.03.07). The rules are also incorporated as BMPs in the Idaho Water Quality Standards.

The Rules and Regulations Pertaining to the Idaho Forest Practices Act (IDAPA 20.02.01), Rules and Regulations and Minimum Standards for Stream Channel Alteration (IDAPA 37.03.07), and Forest Service Soil and Water Conservation Practices (FSH 2509.22) will be implemented, including those site-specific practices established for the area (Project Design and Mitigation Measures, FEIS Table 2.3).

FEDERAL ROAD MANAGEMENT POLICY

Along with Federal regulations and Forest Service manual and handbook guidance, the Federal Road Management Policy (published in the Federal Register on January 12, 2001) defines agency policy regarding transportation systems. Terminology changes in the policy reflect the agency's emphasis on maintaining environmentally sound access. Additional elements of the policy direct agency officials to identify the minimum transportation system needed to administer and protect National Forest System lands, and to document this system through the use of road management objectives.

All roads planned for decommissioning were identified in the *American and Crooked Rivers Roads Analysis* (USDA Forest Service 2003a) as not required for future management needs. These roads were selected for decommissioning primarily because of the resulting benefit to watershed health by returning the landscape to near natural state.

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

The Alaska National Interest Lands Conservation Act (ANILCA) assures access to non-federally-owned lands within the boundaries of the National Forest System as is deemed adequate to secure reasonable use. The selected alternative is in compliance with ANILCA. The planned road obliteration will not restrict access to non-federally owned land. Travel from non-federally owned land to federally owned land will be restricted to the access prescription for that road or trail.

WILD AND SCENIC RIVERS ACT

The Wild and Scenic River Act (Section 2(b)) specifies three classification categories: wild, scenic, and recreational. The potential classification of an eligible river is based on the condition of the river, and the adjacent lands, as it existed at the time of assessment determination. The selected alternative does not allow any developments or activities within the South Fork of the Clearwater River Corridor, a candidate for an eligibility study under the Wild and Scenic Rivers Act. The selected alternative will not alter the potential classification of the river into the National Wild and Scenic Rivers System prior to a suitability study. No activities are proposed inside the river corridor.

NATIONAL HISTORIC PRESERVATION ACT

The National Historic Preservation Act (NHPA) sets forth a framework for identifying and evaluating historic properties, and assessing effects to these properties (36 CFR 800 Subpart B). Section 101 of the National Environmental Policy Act (NEPA) requires the federal government to preserve important historic, cultural, and natural aspects of our national heritage. To accomplish this, federal agencies utilize the Section 106 process associated with the NHPA (codified in 36 CFR 800.3b and 800.8). Locally, the Nez Perce National Forest uses a programmatic agreement signed between Region-1 of the U.S. Forest Service, Idaho State Historic Preservation Office (SHPO), and Advisory Council on Historic Preservation to implement the Section 106 process.

Five historic properties determined eligible for the National Register of Historic Places were identified in the project area. All five are related to the historical theme of mining settlement and technology. Project activities and/or their associated boundaries in the vicinity of these properties will be modified, as appropriate, to assure the avoidance of significant elements associated with these National Register properties. As a result, I have made a “no adverse effect” finding concerning cultural properties and the American Crooked River Project, per Stipulation V(d)(1) of the programmatic agreement. The Idaho SHPO has concurred with all avoidance measures associated with this “no adverse effect” determination.

INDIAN TREATY PROVISIONS (EXECUTIVE ORDER 13175)

The American and Crooked River project is located within that area ceded to the United States in 1855 by the Nez Perce people. As a result of the 1855 Treaty, elements of Nez Perce culture such as tribal welfare, land, and resources were entrusted to the United States government. Commensurate with the Forest Service’s authority and responsibility to manage resources of the National Forests is the obligation to consult, cooperate, and coordinate with the Nez Perce Tribe in developing and planning projects on National Forest system lands that may affect tribal rights (Executive Order 13175, Section 3a).

The Nez Perce Tribe has been actively involved with project development as well as ongoing activities in the project area, and the selected alternative will not conflict with any treaty provision or federal trust obligation. The American and Crooked River project was designed and modified as a direct result of consultation with the Nez Perce Tribe and other state and federal agencies to maintain or improve tribal treaty resources (hunting, fishing and gathering). The selected alternative will maintain or improve water quality and will limit the potential for short-term incidental losses of Endangered Species Act listed anadromous fish and bull trout.

The project will create aquatic habitat conditions for long-term increases in abundance of these species. It will also create upland habitat conditions that are expected to maintain or improve populations of big game species in the area. It will maintain or improve native plant foods utilized by the Nez Perce Tribe. The project will not impose any restrictions on traditional access rights of the Nez Perce tribal members or restrict, in any way, tribal members' abilities to continue to exercise the full range of treaty rights in the project area over the long term.

Government-to-government consultation with the Nez Perce Tribe included attendance and input throughout the planning process. The following list summarizes the consultation that has occurred during the development of this project.

- August 28, 2003 — Nez Perce Tribal Attendance of the Project Initiation Field Trip
- October 29, 2003 — Nez Perce Tribal Scoping Letter
- April 6, 2004 — Forest Service Response Letter to the Nez Perce Tribe
- July 6, 2004 — Meeting with the Nez Perce Tribe Natural Resource Subcommittee
- July 21, 2004 — Nez Perce Tribal Comment letter on the DEIS
- November 19, 2004 — Forest Service Response Letter to the Nez Perce Tribe
- December 7, 2004 — Meeting with the Nez Perce Tribe
- February 25, 2005 — Meeting with the Nez Perce Tribe Habitat/Watershed Division of Fisheries Dept

ENVIRONMENTAL JUSTICE (EXECUTIVE ORDER 12898)

Executive Order 12898 requires an analysis of the impacts of the proposed action and alternatives to the proposed action on minority and low-income populations. It is designed in part "…to identify, prevent, and/or mitigate, to the greatest extent practicable, disproportionately high and adverse human health or environmental effects of USDA programs and activities on minority and low income populations."

I have reviewed the effects of the selected alternative and find that these actions will have no disproportionate impacts on individual groups of peoples or communities. Implementation of the selected action will produce no adverse effects on minorities, Native Americans, or women. No civil liberties will be affected. Project specific consultations were held with the Nez Perce Tribe, which holds treaty rights for hunting, fishing, and other activities on the Nez Perce National Forest (Response to Public Comments, Tribal Correspondence). The implementation of this project is expected to provide employment opportunities (FEIS, Section 3.12—Socio-Economics) in communities such as Elk City, Grangeville, Kooskia, Kamiah, Cottonwood, and Lapwai, Idaho. Some of these communities include minority populations that may benefit from the economic effects.

APPEAL PROVISIONS AND IMPLEMENTATION

This decision is subject to appeal pursuant to Title 36 CFR 215.7. A written Notice of Appeal meeting the requirements of Title 36 CFR 215.14 must be submitted (regular mail, fax, email, hand-delivery, or express delivery) within 45 days of the date the legal notice of this decision is published in the *Lewiston Morning Tribune*. Notice of Appeal must be submitted to:

Mailing Address:
USDA, Forest Service, Northern Region
ATTN.: Appeals Deciding Officer
P.O. Box 7669
Missoula, MT 59807

Hand delivery or express delivery:
USDA Forest Service, Northern Region
Federal Building
ATTN.: Appeals Deciding Officer
200 East Broadway
Missoula, MT 59807

Fax: (406) 329-3347 **Email:** appeals-northern-regional-office@fs.fed.us

The office business hours for those submitting hand-delivered appeals are: 7:30 am to 4:00 pm Monday through Friday, excluding holidays. Electronic appeals the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc). In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information:

- The appellant's name and address, with a telephone number, if available;
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C;
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Official's decision failed to consider the substantive comments; and how the appellant believes the decision specifically violates law, regulation, or policy.

Individuals or organizations that submitted substantive comments during the comment period specified at 215.6 may appeal this decision.

If no appeal is received, implementation of the decision may occur five business days from the close of the appeal period. If an appeal is received, implementation may occur 15 days following the date of a favorable appeal disposition.

FURTHER INFORMATION

A detailed project record exists for this decision and the analysis upon which it is based. The project file is available for public review at the Nez Perce Forest Supervisors Office in Grangeville, Idaho. Please contact the individual identified below for additional information on this decision.

Terry Nevius, District Ranger
Red River Ranger District
P. O. Box 416
Elk City, ID 83525-0416
208-842-2245

RESPONSIBLE OFFICIAL

I am the responsible official for the American-Crooked River Project.

/s/ Steve Williams (For) — April 5, 2005

JANE L. COTTRELL — DATE
Forest Supervisor